

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
May 4, 2009**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, May 4, 2009, at 10:00 a.m. **COMMISSIONERS F. LEE GROSE, RON AVERILL, and P.W. SCHULTE** were in attendance. **Chairman Grose** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Schulte** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, April 27, 2009. **Commissioner Averill** seconded.

Motion carried 3-0

Public Comment

Dennis Hadaller, Mossyrock, WA stated there are many roads in the County that are in need of repair. One particular one is Hadaller Road in Mossyrock. He noted there are over 100 homes with access from that road. If it deteriorates anymore those people will be landlocked. He hopes the board addresses those issues.

Judy Sigler, Mossyrock, WA asked if the Commissioners had come up with a plan for Hadaller Road. She suggested instead of spending the money on the Mickelsen Parkway, to save that money and fix Hadaller Road instead, before it deteriorates anymore.

Commissioner Averill stated that no County money has been spent on Mickelsen Parkway.

He noted the Board has been looking at Hadaller Road and is trying to come up with a solution. There will be a public meeting next week to discuss these issues with the public.

Chairman Grose stated we are restricted on what we can do without FEMA funding. The County is not in a financial situation where we can go out and fix a road without the funding. We are taking steps to get the work done on the road. He also noted engineers would be at the meeting next week.

Notice

Commissioner Schulte made a motion to approve Notice Item one. **Commissioner Averill** seconded the motion. Commissioner Averill read the proclamation into the record.

1. Proclamation: Proclaiming May as “Drug Court Month” in Lewis County.

Judge Hunt thanked the Commissioners for their support of Drug Court. He appreciates the support of the Board and especially appreciates the support of

Commissioner Averill, who is a member of the Drug Court Advisory Board. . He feels without Commissioner Averill's guidance and leadership Drug Court would not be anywhere near where it is now. He acknowledged the Drug Court Staff. He also noted that on May 15, from 12:00 pm to 1:30 pm there would be a joint meeting of the Juvenile and Adult Drug Court Staff. There will be the first graduation from Recovery Court and some other activities. He invited everyone to attend.

Commissioner Averill stated we have a good Drug Court in Lewis County. The recidivism rate is (those that return to their former life of crime) has been outstanding. We used the same model as the Drug Court for our Juvenile Court. On May 15, 2009, the first person will graduate from the Juvenile model. Unfortunately, hard times are making it difficult for us. We would like to be able to serve more people who have drug problems. We are looking at alternatives to that, perhaps more community support, to keep Drug Court going.

Motion carried 3-0

Consent

Commissioner Schulte made a motion to approve Consent Items two through eight. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.

2. **Resolution No. 09-124 Cancellation of warrants**
3. **Resolution No. 09-125 Approving a contract with The Town of Pe Ell for Distressed Counties funding for the Tin Bridge water main replacement.**
4. **Resolution No. 09-126 Appointing members to the Southwest Washington Fair Commission.**
5. **Resolution No. 09-127 Approving the closure of Rogers Road, Sommerville Road, and Avery Road to all through traffic.**
6. **Resolution No. 09-128 Approving a Collective Bargaining Agreement with Teamsters 252 representing the Combined Group.**
7. **Resolution No. 09-129 Approving an inter-local agreement between Lewis County, acting as the lead agency for the Chehalis River Basin Flood Authority and PUD for funding of a Phase II study to determine the feasibility of two water retention projects.**
8. **Resolution No. 09-130 Approving contract with State Department of Health and Social Services, Division of Alcohol and Substance Abuse.**

Item No. 2: Commissioner Averill stated this resolution approves cancellation of two lost and destroyed warrants for a Total of \$402.15 and reissue.

Item No. 3: Commissioner Averill stated this resolution approves a contract between Lewis County and the Town of Pe Ell for \$85,000. of distressed county funds (.09) for economic development and public facilities. Money is provided for the Tin Bridge Water

Main Replacement Project. The project was approved by the Distressed Counties/Rural Economic Development Public Facilities Advisory Committee.

Item No. 4: Michael Strozyk, Central Services, stated this resolution would appoint the initial five members to the Fair Commission Board. He noted that the terms are staggered. Three of the members were appointed for four years:

- Gary Vetter
- Tod Garred
- Anna Quigley

The other two members were appointed for two years:

- Tammy Remund
- Dan Rich

He noted that Dan Rich was in the audience.

Commissioner Averill thanked Mr. Rich for volunteering for this board. He explained that the BOCC is changing, in a small way, how we operate the fairgrounds. We are not taking away anything from the Fair Association. They have done a fantastic job over the years of running the fair. The fairground is an activity that sponsors many events during the year. The Board believes we needed to follow the law that set up this particular fairground and form a commission to provide the BOCC advice on policy and use of the grounds, not only for the fair itself but also for other activities during the year. We have five outstanding members of the community representing this commission.

Item No. 5: Larry Unzleman, Public Works stated this resolution would close three roads for railroad crossing repair work. Each closure will be for five days. There will be three closures, but only one road closed at a time. This work is weather dependent, and for that reason, the timeline was established for a longer period.

Commissioner Averill asked if there is other access to homes.

Mr. Unzleman stated there was other access to homes on these roads.

Chairman Grose asked if the repairs were going to be similar to the cement repairs done on Main Street that made the crossings smoother.

Mr. Unzleman stated he thought they would be similar.

Item No. 6: Archie Smith, Human Resources stated this resolution would pass the Collective Bargaining Agreement for the Combined Group. This group consists of all the Departments under the Board of County Commissioners. During the negotiations, the issues that were dealt with were the employee categories. This is a significant issue because if there were layoffs this would give guidelines and a process on how layoffs may occur. It also issued the COLA for this year for those employees and capped the Health and Welfare Benefits.

Commissioner Averill asked how many more CBA's there were to go.

Mr. Smith stated there were three more contracts to be settled.

Item No. 7: Commissioner Averill stated this resolution approves an interlocal agreement between Lewis County, as Lead Agent for the Chehalis River Basin Flood Authority (Flood Authority), and the Lewis County Public Utility District # 1 (PUD). The agreement has been approved by the Flood Authority and provides for funding and completion of the first segment (\$250,000) of the Phase II Water Retention Project Feasibility under the auspices of the PUD.

Item No. 8: Kathleen Eussen, Health Department stated this resolution would be approving amendment No. 4 to the DASA Contract. The contract is ending at the end of June and this amendment is backdated to February. The state has been working with the local coordinators to inform them of these changes. There is no impact on the CJTA funding, which funds the treatment for Drug Court.

Tara Smith stated this contract amendment eliminated a TANF (temporary assistance to needy families) out station position. It also eliminated living stipends for people who qualified for through the Community Service Office. This accounted for approximately \$30,000. Additional cuts were made by working with the provider, so it would have the least impact on individual and group treatment. This is the last contract amendment for the year. DASA did not receive any other direction to cut budgets.

Commissioner Averill pointed out we are talking about this year budget. We are still in the 2007-2009 budget cycle.

Motion carried 3-0

Hearing

Hearing

Mickelsen Parkway

Chairman Grose announced the hearing and asked for a staff report.

Larry Unzleman, Public Works stated the hearing was regarding the proposed establishment of County Road to be known as Mickelsen Parkway, located off State Highway 505. In November of 2007 the BOCC passed a resolution declaring their intention to lay out and establish a road in Lewis County to be named and designated Mickelsen Parkway, and declared that the road is a public necessity. On that date the County Engineer was directed to make an examination of the proposed road and if necessary to survey the road, acquire all the necessary right of way and report back to the Board. On March 25, 2009, the County Engineer filed his report with the Board, with a map of the road right of way as surveyed, showing the tracts of land that it passed over and the ownerships. The report generally states the establishment is necessary to provide access to an area intended for future industrial development. The right of way needed for the road is from two property ownerships and all the necessary right of way has been donated to the County by the property owners. The donation is made with the condition that if the road construction has not commenced within five years of the date of the deed and completed within three years, thereof or abandoned in the future, the property owner may request that the County vacate its interest in the right of way and it would return to the property owner. All acquisition was done in accordance with the

County's adopted acquisition procedures. Until the specific users of the land along Mickelsen Parkway have been determined and construction of the road is imminent, there is insufficient information to petition to the State Department of Transportation (DOT) for connection authorization to State Hwy 505. However, preliminary contacts with DOT do indicate that intersection improvements may be required at that time. Some may require additional right of way for the State hwy. The County Engineer recommends the road be established as a county road and that it be named Mickelsen Parkway.

Commissioner Averill asked if this road was not to go in, what would be the access.

Mr. Unzleman stated the only access would be North Military Road, which runs past the Winlock Middle School and High School.

Commissioner Averill stated there would be very large trucks going past the school. This would cause a dangerous situation. Because of that, the concept of putting in Mickelsen Parkway was suggested. The County contacted the property owners and they graciously agreed to provide access at no cost to the County.

Mr. Unzleman stated that was correct. This sets the road away from the schools.

Commissioner Averill stated Exit 63 that comes up to the proposed location of Mickelsen Parkway, is a one lane road, if we had large trucks coming into that park then there would probably be additional requirement to allow turns to decrease the danger to traffic going in either direction.

Mr. Unzleman stated DOT was okay with the intersection point where Mickelsen Parkway would enter the Hwy 505, but improvements would be required.

Commissioner Averill asked what we are providing access to by the road.

Mr. Unzleman stated an area designated for industrial development in the Winlock UGA; it runs through two ownerships, both owned by the Mickelsen's. It dead-ends at the Sovran Corporation property.

Commissioner Averill asked what the plan was to pay for the road.

Mr. Unzleman stated there is no intent to spend County funds. It would be the paid for by a developer that might come in. Someone may go after grant funding to develop the road also.

Chairman Grose asked if this has been part of the South County Regional Plan that is being developed.

Mr. Unzleman stated he has not been a part of that planning and does not have the answer.

Chairman Grose asked if Mark Cook knew the answer

Mr. Cook stated he would comment during the hearing.

Commissioner Schulte asked if this negotiation had been going on for several years.

Mr. Unzleman stated it has been going on since 2007

Judy Sigler, Mossyrock, WA questioned who paid the engineer for the road.

Mr. Unzleman stated an outside firm did the engineering and to his knowledge, the County did not pay for it.

Ms. Sigler the road is a public necessity but it does not serve anyone at this time. She asked if that was correct.

Mr. Unzleman stated no one is using it at this time.

Commissioner Averill stated there is a middle school and high school and this was the primary concern of the Board. This school would be in danger by having heavy commercial traffic consistently going by it at times when there are students coming and going from the school.

Ms. Sigler stated that generally in King County, the contractor always pays for any commercial growth or business. At this time, there isn't a contractor who is developing this area?

Commissioner Averill stated there is a contractor that is developing the property.

Dennis Hadaller, Mossyrock WA, stated the road goes through agricultural resource lands (ARL's). He noted that the County is in invalidity with the Growth Management Hearings Board (GMHB). He asked if the GMHB could come back and say no. He is also concerned about the wetlands the road is coming across. He stated that when he was County Commissioner Cy Meyer's, Mayor of Winlock and Neil Admondson representing Sovran said there would be no cost to the County. He thought the County hired an engineer to survey the road and that the County paid for it. He has trouble with that.

Chairman Grose stated the City of Winlock paid for the engineer not the County.

Mr. Hadaller he stated the County could solve this problem without this road being put in. Mickelsen's could go down to Exit 63 and Sovran could go up North Military and go out Exit 68. This would not have to have a county road involved. He noted this land is not cheap.

Commissioner Schulte stated the lands worth would be determined when it is sold. As you develop that area in the UGA and the Industrial Park, that will generate tax revenue for the County. This is the county planning ahead for planned growth that will generate tax revenue that will pay for services. There is a benefit for encouraging that kind of development, especially if the developers come in and pay for it.

Bob Johnson, Community Development responded to Mr. Hadaller's questions regarding land use designations in that area. The area is the City of Winlock's Urban Growth Area (UGA), and has been designated by the City consistent with the interlocal agreement and our Comprehensive Plan as industrial. It is not ARL of long-term significance.

Commissioner Averill clarified as part of the establishment of the UGA, the City of Winlock acknowledged there was agricultural land there and it was taken out of ARL's when it was made an industrial park. Is this correct?

Mr. Johnson stated the Growth Management Act says you cannot designate agricultural land within UGA without a transfer of development rights. There is not a transfer of development rights agreement. Yes, it was appealed to the GMHB, but has since been approved and it is no longer ARL. It is zoned industrial.

Commissioner Averill stated there is some acknowledged wetland on that property and the engineering for the road specifically looked at that. Is that correct?

Mr. Unzleman stated there are wetlands in a specific area and the road skirted those to the east side. A private survey firm prepared the survey; they did the survey, wrote the legal descriptions for the deed documents, and drew the maps that were approved by the County.

Chairman Grose asked if there were any other questions. There was none. He closed the question and answer portion of the hearing and opened the formal hearing.

Mr. Unzleman asked that his previous comments be adopted into the record.

Mark Cook, Chehalis WA stated he would like to answer questions that he noted while sitting in the audience and address some of the comments he heard.

How will the road be paid for?

The Board is aware of the South County Sub Area Planning process that is currently going. As a portion of that work, he and Perteet have conducted a comprehensive traffic analysis for the entire South County Region, particularly focusing on the Exit 63 Interchange. As part of that, they developed a list of traffic mitigations necessary to support forecasted traffic to 2035. DOT has been involved in these discussions. There is a list of proposed improvements, which form the basis for cost estimating. A portion of their work will develop a capital improvement plan for various planning horizons, 2014, 2020, and 2035. Those capital improvement projects will then be qualified for potential funding in the future. In addition, there is discussion with all the jurisdictions, the Cities of Vader, Toledo and Winlock, along with Lewis County and DOT about how development mitigation strategies will evolve and how developer cost will be contributed to those projects.

How long has this been going on?

In 2007, the City of Winlock contracted with his firm to lay out the proposed alignment. We integrated a wetlands delineation report that the Mickelsen's had done previously on the property. It was surveyed and that survey was incorporated into the alignment of the right of way. We wanted to

avoid any documented wetland issues so that the County did not have to deal with any complications to establishment.

There was some question about the public necessity portion. Those of us, who have spent several years working to see some economic development in South County, see this as the primary access point to ensure that those industrial commercial lands within Winlock's UGA are granted direct access to SR 505.

He also asked the Commissioners not to misinterpret the lack of people at the hearing testifying in favor of the establishment. Mr. Meyers had a personal issue he has been dealing with. South County is very anxious to see this work go forward. The fact that the Mickelsen family has provided dedication deeds without compensation speaks highly of their commitment to economic development in the region. He feels this is the first step towards unlocking future economic development in the South County Region. He encourages the Board to consider establishing Mickelsen Parkway.

Chairman Averill asked if the possibility of using Exit 68 as an alternative route was explored.

Mr. Cook stated the consideration and utilization of North Military has always been at the forefront of any discussion. They are aware that there were numerous community comments in opposition of utilization of North Military. That is what began the discussion between the City of Winlock with the Mickelsen family if they were in a position to consider the action that is before the Board today.

Chairman Grose commented that it is not just the school that has been under consideration. That consideration was also a result of numerous phone calls from residents that live on North Military.

Commissioner Averill asked what the distance was from Exit 68 to the park opposed to Exit 63 to the park

Mr. Cook stated he was not sure of the exact distance but it is approximately five miles.

Commissioner Averill pointed out that when we look at possibilities for development in Lewis County, that one of our problems in the Twin City's areas is not only we are running out of land, but what land is left is subject to flooding. We are on the I-5 corridor and thanks to a Bill that passed in the 2008 Legislature, we were able to get funding to look at South County Planning as a new pilot project to do it right. That is to get the Department of Ecology, Department of Fish and Wildlife, Department of Commerce all working together with the local communities on what type of development is logical and stays with protecting both the environment and the culture of Lewis County. This is part of the overall scheme of South Lewis County and has not been at the expense of the County. The County's part in this role is helping to establish egress and ingress out of the industrial park. Since it is in the UGA, the City of Winlock cannot do it. He thanked the property owners for making this easier by designating this land at no cost. The City of Winlock could not have done this if the property owners had not stepped forward.

Chairman Grose closed the hearing and asked for a motion to approve the establishment.

Commissioner Averill moved to approve the Order of Establishment. **Commissioner Schulte** seconded the motion.

Motion carried 3-0

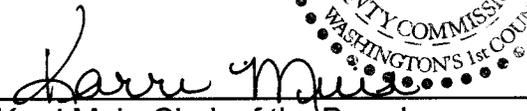
There being no further business, the Commissioners' public meeting was adjourned at 10:57 am, on May 4, 2009. The next public meeting will be held Monday, May 11, 2009, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

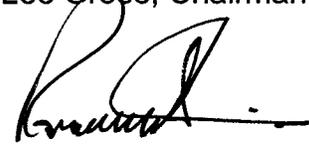
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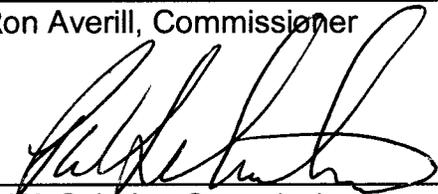
ATTEST:




Karri Muir, Clerk of the Board
Lewis County Commissioners


F. Lee Grose, Chairman


Ron Averill, Commissioner


P.W. Schulte, Commissioner